

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

M78928
E/sl

WILLIAM F. MASTRO, J.P.
HOWARD MILLER
RUTH C. BALKIN
WILLIAM E. McCARTHY, JJ.

2008-09741

DECISION & ORDER ON MOTION

Mildred Peluso, respondent,
v ERM, et al., appellants.

(Index No. 989/07)

Motion by the appellants to stay the trial in the above-entitled action pending hearing and determination of an appeal from an order of the Supreme Court, Nassau County, dated September 29, 2008.


Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that the motion is granted, and the trial in the above-entitled action is stayed pending hearing and determination of the appeal on condition that the appeal is perfected on or before December 29, 2008; and it is further,

ORDERED that in the event the appeal is not perfected on or before December 29, 2008, the court, on its own motion, may vacate the stay, or the respondent may move to vacate the stay, on three days notice.

MASTRO, J.P., MILLER, BALKIN and McCARTHY, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

November 24, 2008

PELUSO v ERM